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5. LIEN CREDITOR'S SUIT—*Several alienations to same person—How land sold.* In the absence of any averment in the pleading, or of proof that several tracts of land which have been aliened to the same person by a judgment debtor after the recovery of the judgments are more than sufficient to pay such judgments, it is not error to decree that the lands shall be offered in parcels and also as a whole, and the best price offered accepted.

6. APPEAL AND ERROR—*Objections for first time—Order of liability for liens.* An appellant who has filed no exceptions to a report of liens in the trial court cannot insist in this court for the first time that the lands of a co-defendant should be first sold.

BUCK AND OTHERS V. WARDS AND OTHERS.—Decided at Wytheville, June 22, 1899.—*Cardwell, J.* Absent, *Riely, J.*:

1. CHANCERY JURISDICTION—*Fraud—Adequate remedy at law.* Although fraud is an elementary ground of jurisdiction of courts of equity, the jurisdiction does not extend to all possible cases in which the commission of a fraud may be involved. If the right invaded is legal, and the remedy at law is full, adequate and complete, the concurrent jurisdiction in equity does not exist.

JACKSON V. COMMONWEALTH.—Decided at Wytheville, June 22, 1899.—*Keith, P.* Absent, *Riely, J.*:

1. HOMICIDE—*Presumptions—Murder—Manslaughter—Burden of proof.* Every homicide in Virginia is presumed to be murder of the second degree. In order to elevate the offence to murder of the first degree the burden of proof is on the Commonwealth, and to reduce it to manslaughter the burden is on the accused. But to reduce the offence to manslaughter it is not necessary for the accused to show that before the mortal wound was given he had declined further combat and retreated as far as he could with safety. This would entitle him to an acquittal.

2. ERRONEOUS INSTRUCTIONS—*Presumption—Harmless error.* All error is presumed to be prejudicial, and only in extreme cases, where it clearly appears that no injury could have resulted, will this court refuse to set aside a verdict rendered on erroneous instructions.

TRIMBLE V. TRIMBLE.—Decided at Wytheville, June 22, 1899.—*Buchanan, J.* Absent, *Riely, J.*:

1. DIVORCE—*Cruelty—Reasonable apprehension of bodily hurt.* The specifications of cruelty and reasonable apprehension of bodily hurt charged in the bill state a good case for a divorce from bed and board, and, having been sustained by proof, there is no error in the decree granting such divorce.

2. DIVORCE—*Custody of infant.* On decreeing a divorce the mother is the proper custodian of an infant of seven months old.

3. ALIMONY—*Fixing amount—Subsequent increase or decrease.* Before fixing the amount of alimony to be paid by a husband for the support of his wife and infant child, the court should ascertain the value of his property and the extent